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October 6, 2022

BY ECF

Honorable Barbara C. Moses
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

APPLICATION GRANTED
SO ORDERED


John G. Koelll, U.S.D.J.

10/7/22

Re: *Polanco v. Porter*, 21-cv-10176 (JGK) (BCM)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, attorney for Defendants New York City Department of Education (“DOE”) and DOE Chancellor David C. Banks in the above-referenced matter. This action concerns an appeal from an administrative decision that denied Plaintiff’s request for tuition funding at the International Institute for the Brain (iBRAIN), a private school of Plaintiff’s unilateral choosing, during the Plaintiff-student’s 2020-2021 school year.

I write to respectfully request a brief, three-day extension of time, from October 11, 2022, until October 14, 2022, for Defendants to file their cross-motion for summary judgment and opposition to Plaintiff’s motion for summary judgment. This is Defendants’ second request for an extension. Counsel for Plaintiff, Rory J. Bellantoni, Esq., consents to this request.

As background, by Order dated August 25, 2022 (ECF No. 28), the Court granted Defendants’ first request for a 45-day extension of time. The Court further directed that in light of the length of the extension, no further extensions would be granted. I apologize to the Court for having to seek this final, brief three-day extension. The reason for the requested enlargement is due to professional obligations in this and other matters, including a settlement conference, discovery obligations, and opposition papers to a motion for contempt in a class-action lawsuit, all of which took more time than I had anticipated. The requested extension of time, therefore, will enable me to finalize and file the motion papers in this matter.

Accordingly, Defendants respectfully request that the Court grant a final, three-day extension of time, until October 14, 2022, for Defendants to file their cross-motion for summary judgment and opposition to Plaintiff's motion. Defendants also respectfully request a corresponding three-day extension of the briefing schedule as follows:

- Defendants' cross-motion for summary judgment and opposition to Plaintiff's motion for summary judgment: October 14, 2022;
- Plaintiff's reply and opposition to Defendants' cross-motion: November 4, 2022; and
- Defendants' reply: November 25, 2022

I thank the Court for its consideration of this request.

Respectfully submitted,

/s/

Philip S. Frank

cc: All counsel of record (via ECF)